

OCTOBER 21, 2013

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman John Barton at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

The Pledge of Allegiance was recited.

MOTION was made by **VAEZI** to approve the minutes of the September 16, 2013 meeting, as written.

SECONDED: HIGHT.

Those in favor: Vaezi, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight.

Opposed: None.

Abstained: Mills, Barton.

MOTION was made by **VAEZI** to approve the resolution for Case #13-03, Frank J. Jonkoski, Executor, as corrected.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mayor Tomaszewski, Spender, Farino, Drazek, Hight, Creedon, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **DRAZEK** to approve the resolution for Case #13-05, VB Mansfield Realty, LLC, as corrected.

SECONDED: HIGHT.

Those in favor: Watters, Spender, Farino, Drazek, Hight, Creedon, Vaezi, Mayor Tomaszewski.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to approve the resolution for Case #13-07, Mike Reilly/Sarah Simms, as corrected.

SECONDED: WATTERS.

Those in favor: Spender, Farino, Drazek, Hight, Vaezi, Mayor Tomaszewski, Watters.

Opposed: None.

Abstained: None.

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Case# 13-06, Ezariah Stecker

Present for the applicant: Ezariah & Betty Stecker

Ezariah and Betty Stecker were sworn in by Edleston. E. Stecker read a prepared statement relating the history of the subject site with reference to residential/hotel uses dating back to 1943. Stecker claimed the apartment use pre-dates the Ordinance, and requested the board issue a certificate of non-conforming use for a single apartment on the second and third floors.

Spender asked if the building was owner occupied, or simply rental units. Stecker replied that both situations existed over the years. Spender asked how many bedrooms currently exist. Stecker replied there are six bedrooms throughout the second and third floors.

Farino asked if it should be stipulated that the premises be owner occupied.

The hearing was opened to the public for comments and questions.

James Zack of 750 Route 57 was sworn in by Edleston. Zack asked if a change in the commercial use would have to come back to the board. Edleston replied it would depend on the proposed use. Zack asked why the surrounding property owners weren't given notice again. Edleston explained the matter was carried without further notice, and the announcement was made at the public hearing.

Joan Mannon was sworn in by Edleston, and stated she lived in the area most of her life. Mannon confirmed the uses as described by Stecker.

William Mannon was sworn in by Edleston. Mannon confirmed the uses as described by Stecker.

Donald Mayberry was sworn in by Edleston. Mayberry testified as to the residency uses at the Anderson Hotel as described by Stecker.

Pearl Maxwell was sworn in by Edleston. Maxwell testified she was one of the former owners of the property, and resided in the apartment during the years of 1968 and 1969.

Terry Sams was sworn in by Edleston. Sams stated he is currently experiencing issues between a residential and commercial use combination. Sams didn't recommend combining the use, and was not in favor of the board granting the certificate.

Alice Mayberry was sworn in by Edleston. Mayberry stated she has owned a business for many years that is mixed in with residential uses, and there have been no issues.

The public portion of the hearing was closed.

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Farino agreed the use as owner/occupied would maybe be acceptable, but he wasn't in favor of adding children to the school system.

Drazek stated she lived over a bar, and there were no issues with the combined use. Drazek stated she wouldn't have any problem with an owner/occupied use, or a strict rental situation.

Watters asked if the property is taxed as described by Stecker. Stecker replied the tax structure reflects what he has described, and it has been that way for many years.

Spender asked if all of the bedrooms have closets and egress windows. DiSessa stated the building would have to meet the current construction codes if any changes were to be made.

MOTION was made by **MAYOR TOMASZEWSKI** to approve the legal non-conformity use for Case #13-06, Ezariah Stecker with residential uses being dedicated on the second and third floors of the property.

SECONDED: DRAZEK.

Those in favor: Farino, Drazek, Hight, Vaezi, Mayor Tomaszewski, Watters, Mills, Spender, Barton.

Opposed: None.

Abstained: None.

Case #13-08, Donald DeMuth

Present for the applicant: Kenneth Fox, AIA; Donald DeMuth

Hight and Watters recused themselves from the application.

Edleston stated the newest plans had to be available at least ten days prior to the public hearing, and they were not.

DiSessa stated his letter issued on October 10, 2013 recommended the application be deemed incomplete. DiSessa stated additional information was submitted on Friday, October 18, 2013, and there wasn't sufficient time to review the new information.

MOTION was made by **VAEZI** to deem the application for Case #13-08, Donald DeMuth incomplete, and to carry the application to the November 18, 2013 meeting without further notice.

SECONDED: BARTON.

Those in favor: Drazek, Tate, Creedon, Vaezi, Mayor Tomaszewski, Mills, Spender, Farino, Barton.

Opposed: None.

Abstained: None.

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Watters and Hight returned to the board.

Case #13-04, Robert Messick

There was no one present to represent the application,

DiSessa related a brief history of the application. DiSessa stated the last correspondence was in June of 2013, and the application wasn't submitted until some time later. DiSessa stated an old survey of the property was submitted with the location of the trailer roughly shown. DiSessa further explained that he heard Mr. Messick's father might have been sent back to the VA hospital, and might not be living in the trailer anymore.

Edleston stated there isn't enough information on the application. Messick should at least fill in what relief is being sought.

MOTION was made by **BARTON** to deem the application for Case #13-04, Robert Messick incomplete, and to authorize DiSessa to notify Mr. Messick to appear before the board with a proper plan, or remove the trailer.

SECONDED: HIGHT.

Those in favor: Hight, Vaezi, Mayor Tomaszewski, Watters, Mills, Spender, Farino, Drazek, Barton.

Opposed: None.

Abstained: None.

Creedon asked the status of the Lunghi property across from the Shop Rite mall. Creedon stated it appeared there was a new front porch, and expressed concern that the front yard setback was violated. DiSessa explained the existing front porch was demolished and a handicap ramp installed. DiSessa stated the handicap ramp did not encroach any further on the front yard setback. DiSessa stated the new use in the building is the Enterprise Rent-a-Car business, which is a permitted use in the zone. Creedon stated the building looked better, and the signage had been reduced.

Terry Sams, of Harts Lane, asked DiSessa the status of the Yusen Logistics property. Sams stated there has been new paving added at the site, and complained yet again about the storm water runoff from the site. Sams indicated the redirected runoff from the Yusen property has created damage to their common driveway.

DiSessa stated he walked the property with a representative of Yusen Logistics, and it appeared the paving was mostly repair work. DiSessa indicated the survey shown to him was substantially similar to the existing paved conditions.

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Sams related several areas on the property where the pavement has been increased over time. Sams and DiSessa discussed further the existing property conditions at the Yusen site, and the conflict between property owners.

Brenda Sams indicated the Yusen owners have substantially increased the pavement on the property, and she asked if they were supposed to come back to the board for approval. Sams stated the driveway right-of-way had been ruined with the alteration they made in the drainage system.

Bonnie Read, of 95 Harts Lane, also indicated there is new pavement on the Yusen site. Read indicated there are new concrete barriers on either side of the driveway.

Mayor Tomaszewski stated the drainage issue should be addressed.

Spender stated there are sometimes issues created with common driveway, but he didn't have an answer for the problem.

Farino stated the answer would be a second, private driveway.

Vaezi stated the problem is difficult to quantify. Vaezi stated they have fixed some things, but it is difficult for the Township to watch them on a day-to-day basis.

B. Sams stated they have ruined the driveway by diverting the runoff from the swale that they filled in.

DiSessa stated the drainage should be diverted away from the driveway. T. Sams stated a catch basin should be installed. DiSessa stated he would ask Yusen to supply an as-built survey that he can use to compare with the pre-existing survey in the Planning Board file. DiSessa stated he would also ask them to consider a remedy for the drainage issue.

MOTION was made by **VAEZI** to authorize the Township Committee to pay the invoices submitted by the professionals.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Vaezi, Mayor Tomaszewski, Watters, Mills, Spender, Farino, Drazek, Hight, Barton.

Opposed: None.

Abstained: None.

Watters mentioned that Synergy Physical Therapy wanted to locate a sign on the free-standing Verizon/Starbucks sign the board recently approved. DiSessa stated the board approves the square footage of the sign, but it is up to the property owner to divide the signage for the tenants.

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Mayor Tomaszewski introduced, from the audience, the new Township Committee member Mike Misertino.

MOTION was made by **WATTERS** to authorize DiSessa to write a letter to the property owner of the Verizon/Starbucks mall regarding the division of square footage on the free-standing sign for the tenants of the mall.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mayor Tomaszewski, Watters, Mills, Spender, Farino, Drazek, Hight, Vaezi, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **MAYOR TOMASZEWSKI** to adjourn the meeting at 9:32 PM.

SECONDED: WATTERS.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Written)